REMARKS/ARGUMENTS

Claims 1-37 were previously presented for examination. Claims 1, 13, 14, 20, 22, 23, and 31 have been amended herein. Also, Claims 38-65 have been added to claim additional novel aspects of the invention. In particular, the claims are directed inventive aspects concerning the verification of software installation packages without performing a test execution of the software component of the software package. Moreover, the invention is not directed to automatic updating of software but rather the verification of installed software packages. Accordingly, **Claims 1-65** are now pending in this application. Certain informalities and inconsistencies in the claims have also been corrected. No new matter has been added. Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103:

Claims 1, 2, 8, 11-15, 19-24, 28, 31, 33, 36, and 37 stand rejected under 35 U.S.C. §103(a) as being anticipated by the U.S. Patent to *Logan* (USPN 6,601,018) (hereinafter *Logan*) in view of the U.S. Patent to *Donohue* (USPN 6,202,207)(hereinafter *Donohue*). As before, the applicants call attention to the fact that *Logan* is directed to an invention "for test execution" of software in "the context of an automatic test framework" (e.g., *Logan*, Abstract). The applicants also point out that that *Logan* is a test procedure whereby programs are "tested" to confirm that they are operational (*Logan* at 11:65-66). This is different from the software installation package verification device and process claimed in the present invention. This is very clearly spelled out in, for example, amended Claim 1 which teaches a "verification tool for verifying a software installation package ... without performing a test execution of a software component of the software package". By way of example, Claim 1 does not require the test execution "of the at least one software component of the package" as would be required by *Logan*. Additionally, the claimed invention is not a software updating tool as is taught in the other cited reference *Donahue*. *Donahue* refers to a tool used for locating and importing software updates. Such program is not particularly relevant to installing software packages and insuring that such installation is correct.

The applicants respectfully point out that *Logan* requires the reading of component code (of the components of the software package) and requires a test case code generator which operates on executable code of the package components in order to test the components (*Logan* e.g., at 2: 19-29). This is a laborious and time consuming process which is also significantly different from the teachings of the present invention which does not require the execution of

code in the components of the package in order to verify the package. Thus, the present invention represents a substantial increase in speed and efficiency.

Additionally, *Logan* teaches, as critical, the need to reduce the amount of hand coding done to generate test sections. This attribute, described as so vital in Logan, is simply irrelevant to the present invention.

Also, importantly, *Logan* teaches a very narrow invention. *Logan*, in it broadest interpretation, requires "reading an executable file of a component, including a class file of a JavaBean component, **executing a test case code generator** automatically on the executable file, and generating a skeleton test suite as a base for an individualized test case of the component, the test execution means utilizing an introspection facility of Java for the executing" (e.g., see *Logan* Claim 1). None of these elements, so basic to *Logan*, are at issue in the claimed invention. The disclosed invention is not confined to this very narrow application as described in *Logan*.

Additionally, *Donahue* is directed to automatically updating computer programs on a computer. Although such an invention may be laudable, it has nothing to do with the installation of software packages or the quick an efficient confirmation that the packages have been correctly installed.

Quite simply the combination of *Logan* & *Donahue* teaches a test structure requiring test execution of the computer programs to verify their functionality (*Logan*) and an automatic updating structure that determines whether a given program has updates and where to get them (*Donahue*). The claimed invention does not deal with any automatic updating nor does it dealing with test program execution. Thus, the cited combination of either in whole or in combination does not teach the claimed invention. For example, referring to Claim 1, the cited references do not teach identifying test modules where "the test modules do not require the test execution of software components of the software installation package". Nor does the cited art refer to the verification of software installation packages at all. This point is made even more clear with reference to other claims. For example, Claim 22 teaches "verifying the package wherein the file list data entries are associated with parameters concerning at least one of: compiler versions used with the software components, copyright information concerning the software components, the size of the software components, the binary data types of the software components". This teaching is simply absent from the cited combination of references. Accordingly, the cited art fails to establish a *prima facie* case of obviousness with respect to Claims 1, 2, 8, 11-15, 19-24, 28, 31, 33, 36, and 37. Therefore, it is respectfully requested that the this ground for rejecting Claims 1, 2, 8, 11-15, 19-24, 28, 31, 33, 36, and 37 be withdrawn.

The arguments in favor of obviousness become even more tenuous when the rejections of **Claims 3-7, 9, 10, 16-18, 25-27, 29, 30, 32, 34, and 35** are considered. The claims require yet another reference (*Mastronardi*) to assert that the claimed invention is "obvious". *Mastronardi* is deficient as a reference for several reasons. First, *Mastronardi*'s definition of "active" is different from 'active' as it is used and defined in the present invention. Active in the *Mastronardi* invention means that a given task is operating (that is what the *Mastronardi* "test" does, it tests to determine whether the "task" is "active"). In the claimed invention, the control module determines whether the 'tests' will be used in a currently operative test sequence. If the 'tests' are to be used in the test sequence, then they are 'active'. If the 'tests' are not to be used, then they are inactive. Moreover, in *Mastronardi*, the "test" is the thing that determines whether the process is "active". In the claimed invention the 'test' is something that will be performed (if the 'test' is 'active') on the software installation package to verify the package. Thus, we are talking apples and oranges. Although *Mastronardi* uses the same words, the words have a different meaning, context, and application. Thus, *Mastronardi* has nothing whatsoever to do with the present invention. Accordingly, *Mastronardi* does nothing to correct the admitted deficiencies of the *Logan* and *Donohue* references with respect to Claims 3-7, 9, 10, 16-18, 25-27, 29, 30, 32, 34, and 35. Therefore, it is respectfully requested that the this ground for rejecting Claims 3-7, 9, 10, 16-18, 25-27, 29, 30, 32, 34, and 35 be withdrawn.

Added Claims:

The applicants have added **Claim 38-65**, which are directed to various other patentable aspects of the invention.

CONCLUSION

Applicants respectfully submit that based on the amendments and remarks advanced herein that all pending claims are in condition for allowance and therefore respectfully request a Notice of Allowance for this application from the Examiner. If the Examiner wishes to

telephone the applicants' attorney concerning any matter pertaining to this application, he is cordially invited to do so at his earliest convenience using the telephone number set forth below.

Respectfully submitted,
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